



## **Republican National Committee**

### **Counsel's Office**

December 3, 2013

Michael Marquis  
CMS FOIA Officer  
Centers for Medicare & Medicaid Services  
Mailstop N2-20-16  
7500 Security Boulevard  
Baltimore, MD 21244

Re: Freedom of Information Act Request

Dear Mr. Marquis:

Yet another problem with the implementation of the ACA and the related launch of the website HealthCare.gov has come to the attention of the public. According to recent media reports, the so-called "back end systems" that are supposed to facilitate the electronic transmittal of enrollment and disenrollment information between entities are still not working properly. In particular, there have been numerous reports of inaccuracies, discrepancies, and missing information in ASC X12 Benefit Enrollment and Maintenance transactions ("Form 834 transactions"). With looming enrollment deadlines, this situation has potentially catastrophic consequences for all users of the Healthcare.gov website.

Therefore, under the Freedom of Information Act, 5 U.S.C. § 552, I request that copies of the following records be provided to me. If your office cannot fulfill any (or portions) of the requests below, please proceed with all requests able to be fulfilled by your office. Upon notification, I will amend or provide additional information pertaining to requests that cannot be fulfilled.

- Any and all documents or communications generated on or after April 1, 2013, including but not limited to relevant emails and letters, regarding the timing and procedures for testing the back end systems that are responsible for ensuring the accuracy of Form 834 transactions.
- Any and all documents or communications generated on or after April 1, 2013, including but not limited to relevant emails and letters, regarding reports of instances

or potential instances of inaccuracies, discrepancies, and/or missing information in Form 834 transactions.

- Any and all documents or communications generated on or after April 1, 2013, including but not limited to relevant emails and letters, regarding the establishment and operation of an official mechanism to report and/or remedy instances of inaccuracies, discrepancies, and/or missing information in Form 834 transactions.
- Any and all documents or communications generated on or after October 1, 2013, between any employee, agent, or contractor at HHS or the Administration, with any employee, officer, or agent of an insurance company, including but not limited to relevant emails and letters, regarding the actual number of Americans fully enrolled in qualifying health plans, and the public disclosure thereof.

In order to determine my status to assess fees, you should know that I am the Chief Counsel of the Republican National Committee, and this request is made as part of information gathering activity and not for commercial use. I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in my or the Republican National Committee's commercial interest. If there are any fees for searching or copying the records, please contact me prior to filling my request.

President Obama issued a memorandum on January 21, 2009 informing all department and agency heads that the FOIA "should be administered with a clear presumption: In the face of doubt, openness prevails." With the President's instructions in mind, I look forward to receiving your prompt response (within the twenty day statutory time period). If you have any questions regarding this request, please contact me at 202-863-8638.

Sincerely,

A handwritten signature in black ink, appearing to read "J.R. Phillippe Jr.", with a stylized, cursive script.

John R. Phillippe Jr.  
Chief Counsel